

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN W. WILLIAMS,

Plaintiff,

vs.

B. F. NAWS, et al,

Defendants.

No. C 08-0160 JSW (PR)

**ORDER OF TRANSFER**

(Docket No. 2)

Plaintiff, currently incarcerated at California State Prison-Los Angeles in Lancaster, California, has filed this civil rights action challenging the actions of prison officials at that prison. Los Angeles County is located within the venue of the United States District Court for the Central District of California.

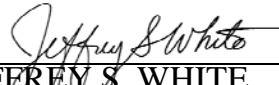
When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986).

Plaintiff complains about conditions of confinement at a prison located in Los

1 Angeles County, within the venue of the Central District of California. *See* 28 U.S.C. §  
2 84. Therefore, the Court will transfer this action to the United States District Court for  
3 the Central District of California. Accordingly, IT IS ORDERED in the interest of  
4 justice, and pursuant to 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the  
5 United States District Court for the Central District of California. In light of the transfer,  
6 the Court will not resolve Petitioner's pending motion (docket no. 2). The Clerk of the  
7 Court shall transfer this matter forthwith.

8 IT IS SO ORDERED.

9 DATED: January 25, 2008

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11 JEFFREY S. WHITE  
12 United States District Judge  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 JOHN W. WILLIAMS,  
6 Plaintiff,  
7

Case Number: CV08-00160 JSW

**CERTIFICATE OF SERVICE**

8 v.


9 WARDEN F. NAWS et al,  
10 Defendant.  
11

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
Court, Northern District of California.

13 That on January 25, 2008, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
delivery receptacle located in the Clerk's office.

16  
17 John W. Williams  
18 CA State Prison at San Quentin  
19 P.O. Box 4670  
20 V34099  
Lancaster, CA 93539

21 Dated: January 25, 2008

  
22 Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk  
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